

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

[1] CLINT BIBLE,)	
)	
Plaintiff,)	Case No: 16-cv-00731-JED-FHM
)	
vs.)	
)	
[1] GRAYBAR ELECTRIC)	Mayes County
COMPANY, INC.,)	Case No: CJ-2016-180
)	JURY TRIAL DEMANDED
Defendant.)	

**DEFENDANT GRAYBAR ELECTRIC COMPANY, INC.'S
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Defendant, Graybar Electric Company, Inc. (“Defendant” or “Graybar”), (“Graybar”) and files its *Notice of Removal* pursuant to 28 U.S.C. §§ 1441 and 1446, and respectfully shows the Court as follows:

INTRODUCTION

1. Plaintiff, Clint Bible (“Plaintiff” or “Mr. Bible”), filed Plaintiff’s *Petition* on November 2, 2016, in the District Court in and for Mayes County, Oklahoma.

2. Graybar’s Registered Agent for the State of Oklahoma was served with a Summons and an unsigned copy of the *Petition* on November 17, 2016.

3. The *Petition* seeks judgment from Defendant in excess of \$75,000.00, the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code.

4. Defendant has not filed a responsive pleading to the *Petition*.

JURISDICTION

5. This Court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 1441 and 1446, and based on diversity of citizenship under 28 U.S.C. § 1332.

6. Upon information and belief, Mr. Bible is a resident and citizen of the State of Oklahoma.

7. Graybar is a New York corporation with its principal place of business in Clayton, Missouri¹.

8. Plaintiff's *Petition* seeks actual damages in excess of \$75,000.00, exclusive of taxable costs and interest, an amount in excess of the jurisdictional minimum stated in 28 U.S.C. § 1332.

9. A copy of all pleadings, processes, and orders served upon Graybar in the state court action are attached to this *Notice* as required by 28 U.S.C. § 1446(a), as Exhibits 1 through 3.

10. Venue is proper in this district and division under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district and division.

11. Defendant will promptly file a Notice of Removal with the clerk of the state court where the action has been pending.

CONCLUSION

For these reasons, Graybar gives notice of its removal of this lawsuit to this Court, and provides notice of the automatic stay of further proceedings in the state district court.

¹ The *Petition* incorrectly alleges that the State of New York is Graybar's principal place of business.

Respectfully submitted,

HOLDEN & CARR

/s/Nicholaus A. Hancock

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Gary A. Eaton
EATON & SPARKS
1717 East 15th Street
Tulsa, Oklahoma 74014

Gerald R. Lee
117 South Adair
P.O. Box 1101
Pryor, Oklahoma 74362

/s/ Nicholaus A. Hancock
Nicholaus A. Hancock